

REMARKS

Claims 1-41 are pending in this application.

The Office Action dated June 30, 2004, has been received and carefully reviewed. Each issue raised in that Office Action is addressed below.

Claims 1, 5, 11, 12, 26-29, 38 and 39 are objected to. By the above amendment, the issues identified by the examiner in connection with claims 1, 5, 11, 12, 28 and 29 have been addressed, as suggested by the examiner or otherwise. The objection to claims 26, 27, 38 and 39, however, is respectfully traversed. Each of these four claims clearly recites the invention claimed, is definite, and includes no other objectionable matter as far as can be determined. Moreover, the changes proposed by the examiner are not merely formal but rather change the nature of the invention being claimed. If there is a specific basis for objecting to these claims, Applicant will address that basis when it is identified. Otherwise, it is respectfully submitted that claims 26, 27, 38 and 39 are in acceptable form as written.

In the Office Action, it was indicated that claims 2-27 and 29-41 would be allowable if amended to include the limitations of their base claims. As discussed below, it is believed that claims 1 and 28 also distinguish over the art of record, and consequently, claims 2-27 and 29-41 are not being rewritten in independent form at this time.

Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by Ooshima. Claim 1 requires, *inter alia*, a two-dimensional code reading apparatus wherein processing for determining a version of a two-dimensional code which defines a number of cells constituting said two-dimensional code is conducted based upon detected finder patterns. Ooshima, on the other hand, provides a format code 70 to identify the version of the two-dimensional code. Ooshima therefore determines a version based upon a format code 70 rather than based upon detected finder patterns as required by claim 1. Claim 1 is submitted to be allowable over Ooshima for at least this reason.

Claims 2-27 depend from claim 1 and are therefore submitted to be allowable for the same reasons as claim 1.

Claim 28 stands rejected under 35 U.S.C. 102(b) as being anticipated by Ooshima. Claim 28 includes the requirement that processing for determining a version of a two-dimensional code which defines the number of cells constituting said two-dimensional code is conducted based upon said detected finder patterns. As discussed in connection with claim 1, Ooshima does not determine a version based upon detected finder patterns as required by claim 28, and claim 28 is submitted to be allowable over Ooshima for at least this reason.

Conclusion

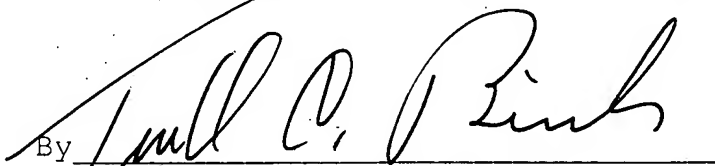
Each issue raised in the Office Action dated June 30, 2004, has been addressed, and it is believed that claims 1-41 are now in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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